

January 16, 2014

CASES

4 No. 84 SSM 27
The People &c.,
 Respondent,
 v.
Katisha Beaty,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Fourth Department, for further proceedings in accordance with the opinion herein. Opinion Per Curiam. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

1 No. 85 SSM 31
The People &c.,
 Appellant,
 v.
Mark Russell,
 Respondent.

On review of submissions pursuant to section 500.11 of the Rules, appeal dismissed upon the ground that the reversal by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal" (CPL 450.90[2][a]).

MOTIONS

2 Mo. No. 2013-1152
380 Yorktown Food Corp.,
 Appellant,
 v.
380 Downing Drive, LLC,
 Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2013-1241
Stephen Allen,
 Plaintiff,
Sandra Morris-Allen,
 Appellant,
 v.
Mercyfirst, &c.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2013-1219
The People &c.,
 Respondent,
 v.
Raheim Ashby,
 Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2013-1139
In the Matter of Jayson Bulmahn,
 Respondent,
 v.
New York State Office of Medicaid Inspector
General et al.,
 Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2013-1118
In the Matter of Rachel Fulmer,
Appellant,
v.
Michael Buxenbaum, Jr.,
Respondent.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2013-1214
Castor Petroleum Ltd.,
Appellant,
v.
Petroterminal De Panama, S.A.,
Respondent.

Motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-1207
The People &c.,
Respondent,
v.
Alexis M. Cruz,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-1210
Diego De La Rosa, et al.,
Appellants,
v.
All Taxi Management, Inc.,
Respondent.

Motion for leave to appeal denied.
Cross motion to strike affirmation from appellants'
motion papers granted and said material deemed
stricken.

1 Mo. No. 2013-1212
Henry Desmangles, &c.,
Appellant,
v.
Woodside Management, Inc.,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2014-39
The People &c.,
Respondent,
v.
Darius Dubarry,
Appellant.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-42
The People &c.,
Respondent,
v.
Todd Johnson,
Appellant.

Motion by National Association of Criminal Defense Lawyers et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2014-59
The People &c.,
Respondent,
v.
Todd Johnson,
Appellant.

Motion by New York Civil Liberties Union for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2014-67
The People &c.,
Respondent,
v.
Todd Johnson,
Appellant.

Motion by New York City Bar Association for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

2 Mo. No. 2013-1133
Anita Katz, &c.,
Appellant,
v.
St. Francis Hospital, et al.,
Defendants,
Andrew Berke, et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2013-1125
In the Matter of Alexander L., &c.

Andrea L.,
Appellant,
The Administration for Children's Services,
Respondent.

Motion for leave to appeal dismissed upon the ground that the order, insofar as leave to appeal is sought, does not finally determine the proceeding within the meaning of the Constitution.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2013-1160
Nella Manko,
Appellant,
v.
Aetna Health, Inc., et al.,
Respondents.
(Appellate Division No. 2010-08467)

Motion, insofar as it seeks leave to appeal from the September 2013 Appellate Division order denying leave to appeal to this Court, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-1222
Agnes McDonald,
Appellant,
v.
Sara Kohanfars, et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2014-46
Eugene Palladino,
Appellant,
v.
CNY Centro, Inc., et al.,
Respondents.

Motion by New York State United Teachers for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2013-1211
Khalid Pervaiz, &c.,
Appellant,
v.
Queens Medallion Leasing, Inc.,
Respondent.

Motion for leave to appeal denied.
Cross motion to strike affirmation from appellant's motion papers granted and said material deemed stricken.

1 Mo. No. 2013-1209
Haroon Rashid, &c.,
Appellant,
v.
B. Taxi Management, Inc.,
Respondent.

Motion for leave to appeal denied.
Cross motion to strike affirmation from appellant's motion papers granted and said material deemed stricken.

2 Mo. No. 2014-13
In the Matter of Richard Santer,
Respondent,
v.
Board of Education of East Meadow Union
Free School District,
Appellant.

Motion by New York State School Boards Association, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

3 SSD 75
In the Matter of Patrick Sorrentino,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the issues presented have become moot.

2 Mo. No. 2014-36
The People &c.,
 Respondent,
 v.
Terrance Washington,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

1 Mo. No. 2013-1087
In the Matter of Jomo Williams,
 Appellant,
 v.
Hon. R.A.W., et al.,
 Respondents.

On the Court's own motion, appeal, insofar as taken from the September 2013 Appellate Division order, dismissed, without costs, upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution, and appeal, insofar as taken from the June 2013 Appellate Division judgment, dismissed, without costs, upon the ground that no appeal lies as of right from the unanimous Appellate Division judgment absent the direct involvement of a substantial constitutional question.

Motion, insofar as it seeks leave to appeal from the September 2013 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the June 2013 Appellate Division judgment, denied.

2 Mo. No. 2013-1171
In the Matter of Marion Cartwright Willnus,
deceased.

Lisa Kyle, et al.,
Appellants;
Thomas Maguire et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from those portions of the Appellate Division order that affirmed so much of Supreme Court's order denying appellants' motion to renew and dismissed appellants' appeal from so much of the same order denying appellants' motion for reargument, dismissed upon the ground that such portions of the order do not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2013-1237
Terezia Zulic et al.,
Appellants,
v.
Gianni Persich, et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.